

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LORRAINE TURKINGTON,

Plaintiff,

vs.

LOWE'S HIW, INC.,

Defendant.

Case No. 2:12-cv-00844-MMD-RJJ

**ORDER**

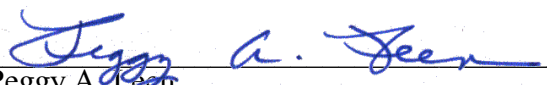
(Mot for Exception to ENE - Dkt. #24)

Before the court is Defendant's Request for an Order Granting an Exception to the Order Scheduling Early Neutral Evaluation Session (Dkt. #24), filed August 15, 2012. Counsel requests that a representative with binding authority be permitted to participate by cell phone instead of in person as ordered. The reason for the request is that Lowe's in-house counsel is located in North Carolina and "it would be difficult for her to leave the other matters she is handling to travel to Las Vegas." The order scheduling this ENE was entered May 22, 2012. The ENE was rescheduled at counsel's request on May 29, 2012. No reason is given for failing to address this issue months ago. In the court's experience telephonic participation is rarely productive and especially cumbersome over a cell phone.

Accordingly,

**IT IS ORDERED** that Defendant's Motion for an Order Granting an Exception to the Order Scheduling Early Neutral Evaluation Session (Dkt. #24) is **DENIED**.

Dated this 17<sup>th</sup> day of August, 2012.

  
 Peggy A. Leen  
 United States Magistrate Judge